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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/762,480 | 01/23/2004 | Naohiko Otake | 247954US6 | 4939 |
| 22850 7590 01/23/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | EXAMINER AMADIZ, RODNEY | |
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| | | | 2629 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 01/23/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/762,480

Applicant(s)

OTAKE ET AL.

Examiner

Rodney Amadiz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title does not describe the invention, please be more descriptive.

Claim Objections

2. Claim 4 is objected to because of the following informalities: Page 4, line 1 reads: " a switch button configured to switch a direction of the display, wherein the switch key" and should be changed to read — a switch button configured to switch a direction of the display, wherein the switch button—

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al. (6,977,811) in view of Dow et al. (U.S. Patent 7,038,717).

As to **Claim 1**, Fleck et al. teaches an information processing apparatus comprising: a display (**Fig. 1, Reference Number 108**); a common button functioning as an activation button for activating a predetermined program (**Fig. 3 and Col. 6, lines 18-24—note common button “desktop”**); and at least one cursor (**Fig. 3, Reference Numbers 302, 304, 306 and 308**), the cursor key is adjacent to the common button (**Fig. 3, note position of cursor keys relative to hot keys**), wherein the common button and the cursor key are provided near one end in an axial direction of a hinge between the display and a keyboard (**Figs. 1 and 3—note position of common button “desktop” and cursor keys 302-308 near the hinge**).

Fleck et al. however, fails to teach the hinge being a hinge pin. Examiner cites Boehme et al. to teach an information processing apparatus having a hinge pin (**Figs. 5-6 and Col. 4, lines 4-35**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of a hinge pin as taught by Boehme et al. in the information processing apparatus taught by Fleck in order to be able to detach the display from the main unit (**Boehme et al.—Col. 4, lines 4-35**).

Fleck et al., as modified by Boehme, fails to teach the common button functioning also as a determination button for determining an item selected from options appearing on the display while the predetermined program is activated as well as the cursor key selecting an item from the options appearing on the display. Examiner cites Dow et al. to teach a common button for determining an item selected from options appearing on the display while the predetermined program is activated (**Fig. 1A, Reference Numbers**

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26, 34, 36 or 38 and Col.3, lines 37-45 and Col. 9, lines 27-40). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate button reuse as taught by Dow et al. in the information processing apparatus taught by Fleck et al. and Boehme et al. so that the apparatus may be faster and more convenient to use due to the lack of an enter button (***Dow et al.—Col. 9, lines 35-37).***

Examiner also cites Dow et al. to teach the cursor key selecting an item from the options appearing on the display (***Dow et al.—Col. 9, lines 27-29).*** At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the cursor keys to select an item from options appearing on the display as taught by Dow et al. in the information processing apparatus taught by Fleck et al. and Boehme et al. so that a user may easily steer a course through items on a display (***Dow et al.—Col. 5, lines 54-59).***

As to **Claim 2**, Fleck et al. teaches a pointing device configured to move a pointer appearing on the display in a desired direction, wherein the pointing device is adjacent to the common button (***Fleck—Fig. 3, Reference Number 300--note position of pointing device relative to hot keys and Col. 4, lines 42-45 and 50).***

As to **Claim 3**, Fleck et al. teaches the at least one cursor key includes a plurality of cursor keys (***Fleck et al.—Fig. 3, Reference Numbers 302, 304, 306 and 308)*** arranged around a perimeter of the pointing device and the common button is arranged outside a perimeter of the plurality of cursor keys (***Fleck et al.—Fig. 3, note position of cursor keys, pointing device and common key—"desktop").***

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck, Boehme and Dow as applied to claims 1-3 above, and further in view of Harada et al. (U.S. Patent 6,072,647—herein referred to as “Harada”).

As to **Claim 4**, Fleck, as modified by Dow, fails to teach a switch button configured to switch a direction of the display, wherein the switch button is adjacent to the cursor key. Examiner cites Harada to teach a switch button (**Fig. 9, Reference Number 65B**) configured to switch a direction of the display (**Col. 11, lines 19-30**), wherein the switch button is adjacent to a cursor key (**Fig. 9, note switch key 65B adjacent cursor key 80^BA**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of a switch button as taught by Harada in the information processing apparatus taught by Fleck, Boehme and Dow in order to display an image in portrait or landscape (**Col. 13, lines 17-21**).

Response to Arguments

6. Applicant's arguments filed December 5, 2006 have been fully considered but they are not persuasive. Applicant argues “an operator of the apparatus 22 described in Dow would not be able to operate the common key and the cursor key while holding the apparatus with both hands. Additionally, as shown in Figure 1A of Dow, the hot keys are not near one end in the axial direction of a hinge pin.” (Pg. 7, Second Paragraph) However, Dow is not used to teach the position of the common key nor the cursor keys. Fleck was used to teach the location of the common key and the cursor keys.

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Furthermore, Applicant argues that "there is insufficient evidence for a motivation to combine Fleck with Dow" because "combining the operation al buttons described in Dow with the apparatus described in Fleck would not allow a user to operate the apparatus smoothly when selecting an item." (Pg. 7, Last paragraph). However, as stated before Dow is not used to teach the position of the common key nor the cursor keys. Fleck was used to teach the location of the common key and the cursor keys. Furthermore, Dow is used to teach that a common key can have more than one function and that cursor keys can move a pointer in a desired direction. Finally, Applicant argues "an operator could not operate the hot keys, the mouse 300, the up and down arrows 306 and 308, an the left and right arrows 302 and 304 without moving the operator's hands." (End of Pg. 6-Beginning of Pg. 7). However, the Examiner notes that the features upon which the applicant relies on are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Amadiz whose telephone number is (571) 272-7762. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

R.A.

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1/12/06

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